

APPROVED: Meeting No. 31-97

ATTEST: *Paula Jewell*

MAYOR AND COUNCIL  
ROCKVILLE, MARYLAND  
Meeting No. 18-97

April 14, 1997

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland, on April 14, 1997, at 7:33 p.m.

PRESENT

Mayor Rose G. Krasnow

Councilmember Robert E. Dorsey

Councilmember James T. Marrinan

Councilmember Robert J. Wright

Councilmember Glennon J. Harrison

In attendance: City Manager Rick Kuckkahn, City Clerk Paula Jewell and City Attorney Paul Glasgow.

Re: City Manager's Report

1. Residents now have another way to reach the Citizen Service Request Coordinator. In addition to the hotline, there is now an electronic forum on the City's home page. Residents can access the CSR form at [WWW.ROCKVILLE.ORG](http://WWW.ROCKVILLE.ORG), and fill out and send the form back electronically.
2. Staff continues to work with neighbors in the Lincoln Park Community to redesign the North Rockville Pedestrian Bridge. This past Friday evening, the core group walked the bridge and met to discuss design elements. The group is hoping to finalize design elements in late spring/early summer.
3. Approximately 150 people attended the Action Fair this weekend to review the efforts of the Imagine Rockville process. In addition, approximately 71 new people

signed on to the seven different action teams. Mr. Kuckkahn said that given the grass roots orientation of this process, it was encouraging to see the level of interest and commitment that existed in the community.

4. Rockville Seniors Incorporated (RSI) was selected as the Volunteer Board of the year by the Maryland Recreation and Parks Association. The award was presented to RSI at the MRPA Conference in Ocean City on April 8. Mr. Kuckkahn extended congratulations to the Seniors for their well deserved recognition.

5. The Watts Branch Pump-Around Task Force met this past weekend. The meeting was very successful. Members of the Task Force received a background briefing and the environmental consultant's scope of services report, and they began working on the first cut of the pros and cons of the various options. Task Force members made a request for a variety of additional information which will be provided. They also requested that the City reinforce earlier formal contacts to encourage representation from neighborhood groups adjoining one of the options which follows Wootton Parkway. Their next meeting is scheduled for April 26 where a tour of the alternative routes will take place as well as a discussion of the draft environmental report.

Re: Proclamation Declaring May  
1997 as **OLDER AMERICANS  
MONTH.**

Proclamation No. 1-97

By a unanimous vote of the Mayor and Council, May 1997 was declared "Older Americans Month" in Rockville. Upon the request of the Mayor, Councilmember

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Wright read the Proclamation, the full text of which can be found in the 1997 Proclamation File of the Mayor and Council. Proclamations were presented to Ed Branges, Chairperson of Rockville Seniors, Inc. and Virginia Onley, Chairperson of the Senior Citizens Commission.

Re: Proclamation Declaring May 4-11, 1997 as **DAYS OF REMEMBRANCE OF THE VICTIMS OF THE HOLOCAUST.**

Proclamation No. 2-97

By a unanimous vote of the Mayor and Council, May 4-11, 1997 was declared "Days of Remembrance of the Victims of the Holocaust" in Rockville. Upon the request of the Mayor, Councilmember Harrison read the Proclamation, the full text of which can be found in the 1997 Proclamation File of the Mayor and Council. The Proclamation was presented to Flora Singer, Co-President of Jewish Holocaust Survivors and Friends of Greater Washington.

Re: Proclamation Declaring April 21-25, 1997 as **MUNICIPAL GOVERNMENT WEEK.**

Proclamation No. 3-97

By a unanimous vote of the Mayor and Council, April 21-25, 1997 was declared "Municipal Government Week" in Rockville. Upon the request of the Mayor, Councilmember Dorsey read the Proclamation, the full text of which can be found in the

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1997 Proclamation File of the Mayor and Council. The Proclamation was presented to Linda Lord, Career Day Committee Chairperson from the Earl B. Wood Middle School.

Re: Proclamation Declaring April  
1997 as **FAIR HOUSING**  
**MONTH.**

Proclamation No. 4-97

By a unanimous vote of the Mayor and Council, April 1997 was declared "Fair Housing Month" in Rockville. Upon the request of the Mayor, Councilmember Marrinan read the Proclamation, the full text of which can be found in the 1997 Proclamation File of the Mayor and Council. The Proclamation was presented to Lynn Perry Parker of the Human Rights Commission.

Re: Proclamation recognizing the 8th  
Annual **ROCKVILLE**  
**SCIENCE DAY** on April 27,  
1997.

Proclamation No. 5-97

By a unanimous vote of the Mayor and Council, April 27, 1997 was recognized as Rockville Science Day" in Rockville. Upon the request of the Mayor, Councilmember Wright read the Proclamation, the full text of which can be found in the 1997 Proclamation File of the Mayor and Council. The Proclamation was presented to Sheila Marshall, President of the Rockville Consortium for Science.

Re: Presentation of Certificates  
Recognizing Rockville's resident  
art groups in commemoration of  
their anniversaries.

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The Mayor and Council presented Certificates to the following representatives of Rockville's resident art groups in commemoration of their anniversaries: To Joel Garies, President of Rockville Little Theatre (50th Anniversary); to Dr. Vince Patterson, Director of the Rockville Concert Band (40th Anniversary); to Barbara Schardt, President of Rockville Art League (40th Anniversary); and to Betty Hood, President of the Rockville Community Chorus (25th Anniversary).

Re: Proclamation Recognizing April 20, 1997 as **ARBOR DAY** in the City of Rockville.

Proclamation No. 6-97

By a unanimous vote of the Mayor and Council, April 20, 1997 was declared "Arbor Day" in Rockville. Upon the request of the Mayor, Councilmember Harrison read the Proclamation, the full text of which can be found in the 1997 Proclamation File of the Mayor and Council. The Proclamation was presented to Steve Edwards, Chairperson of the Recreation and Parks Advisory Board.

Re: Wrap-up report on the 1997 Legislative Program.

John Moser, the City's legislative liaison, said that the session was very successful. New channels were opened with the Maryland Department of the Environment for potential future funding and dialogue was facilitated with the Department of Transportation on construction of Great Falls Road. The City's partnership with the Maryland Municipal League was accelerated resulting in a much closer working relationship with the League. Mr. Moser said that the City also worked closely with the

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Delegation. Senator Forehand and Delegate Mike Gordon sponsored bills in the House and Senate to ensure the \$300,000 bond bill for Glenview Mansion. Mr. Moser asked the Mayor and Council to consider the possibility of continuing to work with MML to get their support for Rockville's programs. He also suggested that the City work closely with Maryland Association of Counties. He said that the City should begin planning for the next session. Mr. Moser thanked the Mayor and Council and City staff for their support.

Mayor Krasnow agreed that the session was very successful. She said that Mr. Moser and the State Delegation worked very hard on the City's behalf. The City had received \$300,000 for the Mansion, which was significant given the number of funding requests from across the State. Mayor Krasnow also said that because of the City's heightened presence in Annapolis, the City received funding from other State government departments; e.g., \$250,000 for a storm water management facility at Hungerford and \$50,000 to make improvements in security for the North Rockville Pedestrian Bridge.

Re: Citizens Forum - This time is set aside to hear from any citizen who wishes to address the Mayor and Council.

1. Bob DeGroot, President Woodley Gardens Citizens Association. Mr. DeGroot said that he was also representing the Coalition Of United Neighbors for Trees and Streams (COUNTS). Mr. DeGroot spoke about the sediment control on the King Farm which he said was going into the Watts Branch Stream. He reported that the problems identified by COUNTS had been corrected. He noted that there was still a lot of sediment coming down the stream and COUNTS felt that the problem was with the City's

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sediment control inspectors. He said that the King Farm developers seemed willing to work with the Coalition; however, he felt that they were not being told to conform to certain regulations.

Mayor Krasnow said that the City appreciated that COUNTS had been paying close attention to the King Farm development. She said that the City inspectors knew what they were doing; however, she was concerned that communication between the parties needed to be improved. Some issues appeared to be violations which were not necessarily violations and she was concerned that residents were implying that the City did not know what they were doing. Mr. Kuckkahn said that staff had been communicating with the Coalition to assure that the lines of communication were open and clear. He also noted that the City now had a full time inspector on the King Farm site to look at areas where dirt piles were inactive and mulching was needed.

2. Mazie Cummings, Croyden Park Resident spoke about the pawn shop located on Park Road. She said that she was informed by the City that, traditionally, pawn shops were allowed in the I-1 Zone if they did not sell jewelry. She pointed out that the Park Road shop advertised jewelry. Ms. Cummings said that the pawn shop was not an appropriate use for a residential area and she asked the Mayor and Council to consider closing the shop until the issue could be addressed. Councilmember Harrison suggested that staff also look at the City's Zoning Ordinance to examine whether a use not listed as a permitted use would, in fact, be a legal use in a particular zone. Mr. Harrison said his recollection of the Zoning text required that the uses be specifically enumerated prior to

their appearance in the zone, and then likely undergo an approval process by the Planning Commission.

Re: Appointment

Upon motion of Councilmember Wright, duly seconded and unanimously passed, Walter Davis was appointed to serve on the Senior Citizens Commission.

Re: Consent Agenda

Upon motion of Councilmember Wright, duly seconded and unanimously passed, the following Consent Agenda Items were approved:

- (A) Award of Contract  
To: Michael McDonald  
Of: Nashville, Tennessee  
In the amount of: \$30,000  
  
For: Providing Saturday evening entertainment at Hometown Holidays.
- (B) Award of Bid No. 73-97  
To: Redland Genstar, Inc.  
Of: Hunt Valley, Maryland  
In the amount of: \$250,000  
  
For: Smoothseal program. Adequate funds are available to cover the cost in 110-850-0201-0232.
- (C) Approval of Easement to Washington Gas Company of Springfield, VA for a gas line over the Mayor and Council's property located at 14625 Rothgeb Drive to serve 14607 Rothgeb Drive.



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Re: Acceptance of Application - Text  
Amendment Application TXT97-  
0161, Medical Center  
Development Corporation,  
Applicant.

To add a new Division 8 to  
Article XII of the Zoning  
Ordinance to permit portions of  
property recommended to be  
developed under the  
Comprehensive Planned zoning  
procedure to be developed  
separately.

Community Development Director Neal Herst explained that the Text Amendment had very limited applications that applied. As part of the Thomas Farm Annexation, a small parcel, which was not owned by the Thomas interest, was annexed. As the City annexed the Farm, the petitioners understood that the farm would be developed in a comprehensive manner. The Thomas Farm development had not proceeded as quickly as expected and was not likely to occur for a while because of issues unrelated to the City of Rockville. Mr. Herst said that left the City with a 2.8 acre parcel owned by a totally separate interest that at the present time, could not be developed without being part of the comprehensive plan. The Text Amendment allowed the development of the parcel to be reviewed as if it were part of a comprehensive plan. It will be blended as much as possible, into the expected future development.

Mr. Herst said that the area along Shady Grove Road and Key West was intended to be an office/employment/research and development area. Staff would ensure that the

development on the 2.8 acre site would meet the Mayor and Council's concept would be for the specific development as well as for the rest of the area along Shady Grove Road.

Councilmember Marrinan asked how the coordination and follow-through would be ensured. Mr. Herst said that the City would receive a development plan from the owners of the site and the plan would be analyzed within the framework of what was already outlined for the Thomas Farm development. Staff would look at the proposed development and try to envision how it would fit in with the surrounding uses.

Councilmember Harrison said that assuming the rest of the Thomas Farm did not come under development for a number of years, and it was divided up among heirs or new owners, would those new owners be allowed to carve off smaller parcels and use the procedure in the same way or was it limited strictly to the out parcels that do not currently fit into the overall Thomas Farm. Mr. Herst said he believed that parcels could be carved off and the process would apply to the new owners. Mayor Krasnow said that she spoke to the applicant's attorney Steve Orens about the issue and she learned that the approval to do this would always have to be given by the Mayor and Council first.

Councilmember Dorsey said that it was important for the Mayor and Council to remember the issue of sewer service as it related to the parcel and the Thomas Farm. Mr. Herst clarified that the parcel was not serviced by the same sewer line as the King Farm site. He said that the parcel was serviced by WSSC and was not part of the Rockville sewer district. The rest of the Thomas Farm was served by Rockville. The

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applicants informed Mr. Herst that the parcel would be connected to the WSSC sewer at Shady Grove Road.

Mayor Krasnow noted that there were pros and cons of the Text Amendment and she said that while it was worthy of passing on to the Planning Commission for a review, she asked that the concerns discussed be passed on to the Planning Commission.

Re: Acceptance of Application - Text  
Amendment Application TXT97-  
0162, Medical Center  
Development Corporation,  
Applicant.

To amend Section 25-935(9) of  
the Zoning Ordinance to enact a  
new parking space requirement  
for Medical and Dental Clinics  
and Offices.

Mr. Herst explained that the application would replace the current parking requirement for medical and dental clinics and offices and specify a new requirement of one parking space for each 250 square feet of Gross Floor Area. Councilmember Harrison pointed out that the new requirement proposed one parking space for each 250 square feet of Gross Floor Area; he said the text language was four spaces per 1,000 square feet. He said that he discussed this with the applicants who said that they had no objection to changing the wording to 1 per 250 square feet of gross floor area.

Councilmember Wright said that the Mayor and Council recently approved a text amendment to change the law to one space per 200 square feet for an applicant

who claimed the law was too onerous. He said that his overall preference would be for one space per 200 square feet that the Mayor and Council already approved as the equivalent of retail. Mr. Wright asked if the data supported the applicant's claim that the current requirement was too onerous.

Councilmember Marrinan said that there were many variables in the health care delivery system which were constantly changing; he suggested that a comprehensive review of the parking requirements was needed. Councilmember Harrison noted that Georgetown Health was building a facility on Piccard Drive; he asked staff to check on what type of use did that facility fall under. Staff was asked to pass the Mayor and Council's comments onto the Planning Commission.

Re: Presentation of City's sediment control program and the Montgomery Soil Conservation District's agricultural sediment control program.

Rockville has been managing its own sediment control program since 1978. The Maryland Department of the Environment (MD) reviews our program biannually to ensure that minimum state requirements are met. The City's program is comprised of several elements; our law; project design; permit issuance; and permit enforcement. The State of Maryland provides periodic training and certification of responsible personnel for erosion and sediment control. All City inspectors were State-certified. The purpose of sediment control is to minimize off-site pollution (via sediment deposits) during the construction phase of development. Sediment control design and implementation provide a

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means to limit the amount of soil leaving an active construction site. Construction sequencing and temporary stabilization are the most important tools to minimize off-site sedimentation. No sediment control device is 100% effective during all rain storms.

Agricultural sediment control practices are addressed by the Montgomery Soil Conservation District's (MSCD) agricultural sediment control program. MSCD's approach is primarily volunteer-oriented, emphasizing a cooperative effort between farmers and MSCD to minimize off-site sedimentation. MSCD has no enforcement authority. Enforcement authority is through MDE.

Recent large residential development projects have asked for staging sediment control permits to facilitate their construction. A three-phase permit approach is recommended.

Director of Public Works, Hal Cranor presented the general control practices and the specific plan that was approved to be used in construction of the King Farm development. Mr. Cranor introduced Rick Trichey, an Environmental Specialist from MDE and Marshall Ray, the District Program Coordinator from MSCD, who were present to answer questions. Mr. Ray gave an overview of the soil conservation district. Mr. Trichey spoke about the State requirements for certification of inspectors.

Councilmember Dorsey asked that all the involved parties be sensitive to the overall intent of trying to protect the environment and not necessarily trying to match one another's interpretation of the rules and laws.

Mayor Krasnow asked whether there would be any monitoring of the water

going beyond the King Farm and could the storm water traps reach capacity after a big storm and become loaded. Mr. Cranor responded that the Sierra Club was monitoring the storm water beyond the King Farm. Mayor Krasnow said that Best Management Practices (BMPs) were in place, although most had not been in place for a long period of time. However, she said that it would be helpful to see a preliminary report of how the stream was doing and how the BMPs were working. Mr. Ray said that there was no data available from the time the property was being run as a farm, and therefore there were no benchmarks to compare current figures with data resulting from practices in the past.

Mr. Kuckkahn commented that the City had a great deal of respect for the efforts undertaken by COUNTS, and he publicly thanked them for their concerns and monitoring of the project. Mr. Kuckkahn said that it was also important for the Mayor and Council and community to know that staff was making a sincere effort to do everything possible to ensure that the site was in full compliance of the law. Mr. Cranor added that staff would appreciate working with members of COUNTS and their experts to clarify what they felt the City was not doing right. The Mayor and Council agreed that this was a good idea and said they would be interested in hearing about any points of discrepancy.

Re: Direction and instruction to staff  
to revise sediment control permit  
fees.

The Mayor and council directed staff to bring forth a Resolution to revise the sediment control fees.

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Re: F.Y.I./Correspondence

1. Councilmember Marrinan commended staff for their ongoing efforts to remove the discoloration in the City's water system, and he encouraged them to keep up the good work.

2. Mayor Krasnow said that she was glad to see that the penetration rate for Cable TV subscribers in Rockville had increased, given the City's excellent cable programming. However, she had received comments about the rising cost of cable in the County which, she said, might cause some people to cancel the cable subscriptions. The Mayor asked that staff look at whether anything could be done to slow the rising cost of cable and what the impact of the rising costs would have on future services.

Re: New Business

1. Councilmember Marrinan said that he had received two messages urging that the Mayor and Council quickly resolve the Hispanics United for Rockville's request to reschedule the Latino Festival. Mayor Krasnow noted that the topic would be discussed at the April 15th Worksession with the Recreation and Parks Advisory Board.

Re: Adjournment

There being no further business to come before the Mayor and Council, the meeting was adjourned at 9:40 p.m., to convene again in Worksession at 7:30 p.m. on April 15, 1997, or at the call of the Mayor.